

DENIALS

By Sheriff Callahan and
Judge Hargis.

SAY THEY HAD NO KNOWLEDGE

OF ANY CONSPIRACY TO KILL
JAMES MARCUM

STORY OF MURDER TOLD OVER

Judge Hargis Said He Saw Marcum
Fall, But Did Not See Who
Shot Him.

AND COULD NOT FIND OUT

Winchester, Ky., Dec. 23.—[Special.]—Sheriff Callahan and Judge James Harbigs were on the stand to-day in behalf of the defense, and all of the four defendants have now told their tale.

the jury in the Marcum damage trial. Like most of those mountain killings, it is hard to consider the Marcum murder separate and apart from others, and this murder continually gets mixed with that of Dr. Cox and James Cockrill.

gants will not have much Christmas holiday. Court will adjourn to-morrow in time for the Jackson people to get home. Monday will be County Court day both here and in Jackson, and County Judge Hargis, one of the defendants, has some important business for that day Circuit Court will begin again Tuesday morning.

The first witness this morning was Senator Alex. Hargis, who testified that last fall Henry Noble applied for employment, but his letter was not answered.

Callahan Takes Stand.

Sheriff Callahan then took the stand. He stated that he is forty-one years old and a merchant of Crockettville, Breathitt county, and has been Sheriff since 1901. He related an incident that occurred in the law office of J. B. Marcum in 1901. Marcum and Mr. Pollard were attorneys on opposite sides in

contested election case, and Pollard objected to a question put by Marcum. The latter persisted and a quarrel ensued, in which Marcum threatened to brain Pollard with a chair. James Hargis reminded Marcum that when he was in the office of the witness he was treated right. Marcum replied that Hargis was a liar and ordered all of them out of his office, which order was obeyed. Somewhat later Marcum apologized for his bad conduct, and his apology was accepted.

Denied the Statement.

Callahan denied saying as he left Marcum's office "that he would be going to see Marcum's light shot out." He said he had no knowledge of any conspiracy to kill Marcum, did not see Tom White the morning Marcum was killed and did not hear him say:

"What are you and Jim Hargis going to do about that money?"

Shortly after the killing, witness

stated James Hargis sent for Ewen
but he did not hear Hargis tell Ewen
"you are the smartest man I ever saw."
I was looking at you and you never
looked back." He said when Marcum
was killed, and when Ewen returned to
the store he heard Hargis tell him
he knew who killed Marcum to tell him
so that the man might be arrested. H
said Curt Jett was his deputy at one
time and so was Capt. Ewen.

* * *

Judge Hargis' Story of Killing.

Judge Hargis was then called. He said he lived in Breathitt county, his life, is forty-two years old, and has been engaged in merchandising, logging, lumbering and farming. He said he was postmaster at Jackson under both of Cleveland's Administrations, and now County Judge, elected as a Democrat.

crat, and again the nominee of his party for the same place. He said he knew of no conspiracy to murder Marcum and had not conspired with either of the defendants for that purpose. He said he knew Marcum all his life and had been friendly until the last year of his life.

been friendly until the last year of his life, when Marcum published slanderous charges against him, since which time he had not spoken to Marcum. Up to that time, he said, Marcum had been his attorney and customer.

Witness said that Marcum was no

friendly at the time of the latter's death, as Marcum had been indicted for criminal libel and he was a witness for the prosecution. He said Marcum was killed in May, 1903. At the time of the shooting he was in the front of his store fronting the courthouse. He heard two shots and saw Marcum

fall, but could not see who shot him. He said the shots came from the corridor of the courthouse behind Marcum. He said he saw Tom White before the first shot in front of the courthouse and that White did not fire into the body of Marcum. B. J. Ewen was standing by the side of Marcum and saw the latter fall. Witnesses said

He said he did not go into the courthouse started, but was told not to go out. He said he met Callahan and told him not to go out, as great excitement prevailed.

* * *

Wanted To Investigate

Hargis said he sent at once for Capt. Ewen. He came in shortly and witness asked him if he knew who killed Marcum. Ewen said he did not. Witness ordered the courthouse searched, and Callahan summoned men who searched the courthouse, but found no one. Witness

"I was watching you and you never looked back; you are the smartest man I ever saw."

Witness said he told Ewen if he knew

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ESCAPES,

Accidents, Rescue and Arrest Attend Fire.

MRS. BURCHAM'S LIFE SAVED

BY HER SON THROUGH COURAGEOUS CONDUCT.

MARION HAYS IN CUSTODY.

Thrilling escapes in night clothes; a daring rescue of a mother by her son; brave attempts to save household goods, which later proved not to have been in danger; two accidents in which persons were seriously hurt; an allegation of arson; the arrest of the son-in-law of the house; the last break in an unhappy marriage; and excellent work by the Fire Department were a few of the incidents surrounding the early morning fire yesterday at the home of Mrs. Sarah Burcham, 24 Myrtle street, which did only small damage to the building.

Mrs. Burcham, her daughter, Mrs. Hattie Hays, and her son, Carl Burcham, were asleep in their apartments in the second story of the house, when

would die without going back to him. He went away angry.

Went to Bed Early.

When seen at the jail yesterday afternoon, Marion Hays said: "I love that woman and I would do nothing to harm her. I did not make any threats against her yesterday. I asked her to come back to me, as I always do when I see her. I can prove that I went to bed at home last night at 9 o'clock and that I did not get up until 6 o'clock this morning. It is all spin and nothing but mother-in-law at the bottom of it. I love my wife and I would not harm her for anything in this world."

Has Expected Employment.

Hays is a tobacco worker, but has been out of employment for several weeks. He said yesterday that he had been promised employment, but that he failed to get it yesterday morning, as he had expected. He was arrested in the City Hall a short time after the warrant was issued. He said he had gone there to see a friend who was in jail. He submitted cash to the officer and expressed confidence that he would be released. He was signed by his father, F. W. Hays.

Says Charge Is Absurd.

Mrs. F. W. Hays, mother of Marion Hays, said yesterday afternoon at her home, 1835 Seventh street. "The charge against my son is absurd. He went to bed at 9 o'clock last night, and I know that he was here all night. He did not get up until 6 o'clock this morning. He is just trying to get him in jail because they could not make him support his wife after she left him. I know that he was here at 4 o'clock this morning, and I know that he was here at both times, because I saw him."

Edward Hays, brother of Marion Hays, slept in the same room and said positively that his brother went to bed at 9 o'clock. He said it would have been possible for his brother to have got up and gone out during the night, but that he had not heard him. Mrs. Hays was positive, however, that she saw Marion Hays in bed at 2 o'clock and again at 4 o'clock. The fire alarm was turned in at 1:54 o'clock. The Hays home is half a mile from the home of Mrs. Burcham. It is thought that the fire, as it was started by coal oil, had been burning only a few minutes when it was discovered.

Carl Burcham went home at 12:45 o'clock Thursday night. It was suggested yesterday that he might have been in the house at the time of the fire, as he entered, but he said that he did not light any matches, and that he was not smoking when he came in.

The house is owned by the Fidelity Trust Company. It is damaged to the extent of about \$200. The household goods on the first floor were badly damaged by water and a piano was spoiled. The work of the fire department in saving the house, when the flames had gained so great a head, received much commendation yesterday.

The building was dry and the fire burning rapidly, yet the flames were confined to the porch, the wall about the porch and the rear part of which the stairs lead to the second story.

FIRST MESSAGE

WAS TO COME TO TRIAL OF BROTHER'S MURDERER.

Shocking News Brought By Wire to Presiding Elder J. T. Rushing, of Owensboro.

"Come to the trial of your brother's murderer," were the words of a telegram received by the Rev. J. F. Rushing, presiding elder of the Owensboro district of the Methodist church, says the Owensboro Inquirer. Until that time the well-known preacher had heard nothing of the murder of his brother, who was in the lumber business at Shawneetown, Ill. Mr. J. E. Rushing, the murdered man, was well known in Owensboro. He visited here on several occasions and formed a large acquaintance here. He was a law-abiding, peaceful citizen, and had been a member of the Methodist church of Cumberland Presbyterian church. The Rev. Mr. Rushing says that he cannot account for the murder of his brother, unless it was for robbery. He says that he had frequently carried money for his brother, but for the purpose of paying the men off, and it is probable that he was foully dealt with for no other reason than robbery.

TWO BOYS ASSAULT AND ROB THEIR GRANDMOTHER.

New York, Dec. 22.—Wearing cartridge belts and their pockets filled with dime novels, two boys have been arrested in Harlem on charges of feloniously robbing their grandmother, strangling her into unconsciousness and then robbing her of jewelry and money amounting to more than \$15.

The boys were Charles W. Union, sixteen years old, and his cousin, Frederick McDermott, who gave his home as Oyster Bay.

His Right Leg Bleeding.

In his effort to break the window to gain entrance he cut a severe gash in his right leg. The blood from the wound did not reach the ground. He was hurt but he did not realize that he was hurt until he reached the ground. He was then so weak from loss of blood that it was necessary to call a physician to attend him.

Three years ago Christmas night Miss Hattie Burcham was married to Marion Hays. She was separated from him three months ago and yesterday morning she was charged with disorderly conduct and he was placed in jail. The warrant was directed against the fire, for Mrs. Hays yesterday said:

"I am positive that my husband set fire to the house. I told him yesterday that I was going to the grocery. I was alone for three hours. I was drinking when he made the threat that I would regret what I said in twenty-four hours and that if I did not live with him I would not live with anyone. I told him all right, if I died I

PICTURE PUZZLE.



FIND THE POOR, FORSAKEN OUTCAST WHO HAS NEITHER HOME, FRIENDS NOR KIN.

CHURCHES OFFER SPECIAL MUSIC.

The Usual Recognition of Christmas To Be Taken—Special Sermons By Pastors.

Special Christmas music will be given at many of the Louisville churches. Special attention has been given to the Christmas musical programs on account of the fact that the holidays begin with the Sabbath. Appropriate Christmas services will be held at the following churches:

Presbyterian.

The following musical programs will be given at the churches:

First Presbyterian church, corner of Broadway and Second streets, will give the following program:

Prelude—Allegro Appassionato, Gullmaiter.

Antiphon—Hark! What Mean Those Hoarse Voices, Scherzo, Gullmaiter.

Postlude—Scherzo, Gullmaiter.

Evening.

Prelude—(a) Christmas Offertory, Lammen.

(b) The Holy Night, Gullmaiter.

Antiphon—Hark! What Mean Those Hoarse Voices, Scherzo, Gullmaiter.

Postlude—March of the Magi, Gullmaiter.

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